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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,776	02/03/2004	Kenichi Shiba	Q79666	9279
23373	7590	08/23/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			CHEN, WEN YING PATTY	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/769,776	Applicant(s) SHIBA, KENICHI	
	Examiner Wen-Ying P. Chen	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/03/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's Amendment filed 7/15/05 has been received and entered. Claims 13-18 are newly added per Amendment of July 15, 2005. Claims 1-18 are now pending in the current application.

Drawings

Figures 6 and 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Takagi (US 2001/0034242).

With respect to claims 1 and 13 (Amended and New): Takagi discloses in Figure 5 a display inside a casing which is structured by a first casing body (elements 170 and 160 combined) and a second casing body (elements 171 and 161 combined), which is attached to the first casing body, comprising:

a base (elements 150 and 120 combined) which is fixed in the casing;

a provisional fixing member (element 103) which attaches the display (elements 151 and 130 combined) to the base such that when the display is attached to the base the display is movable within a predetermined range relative to the base (with the hinge mechanism, the display is movable relative to the base); and

a positioning portion (Figure 7, elements 140 and 141) for restricting movement of the display at a time of attachment of the second casing body to the first casing body, and retaining the display at an accurate position (Paragraph 0151, wherein elements 140 and 141 determines the closed and open positions of the display/keypad) relative to the display aperture portion (element 171a).

As to claim 2: Takagi further discloses in Figure 5 that the base (elements 150 and 120 combined) is fixed to the first casing body (element 160).

As to claim 3: Takagi further discloses in Figure 7 that the provisional fixing member (element 103) comprises a stepped screw (elements 140 and 141).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-7 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi (US 2001/0034242) in view of Higdon et al. (US 6148183).

Takagi discloses all of the limitations set forth in claims 1 and 13 but fails to disclose that the display device further comprises of additional positioning portions provided at the second casing body which comprises of a plurality of projections formed integrally with the second casing body that are capable of restricting movement of the display in all directions.

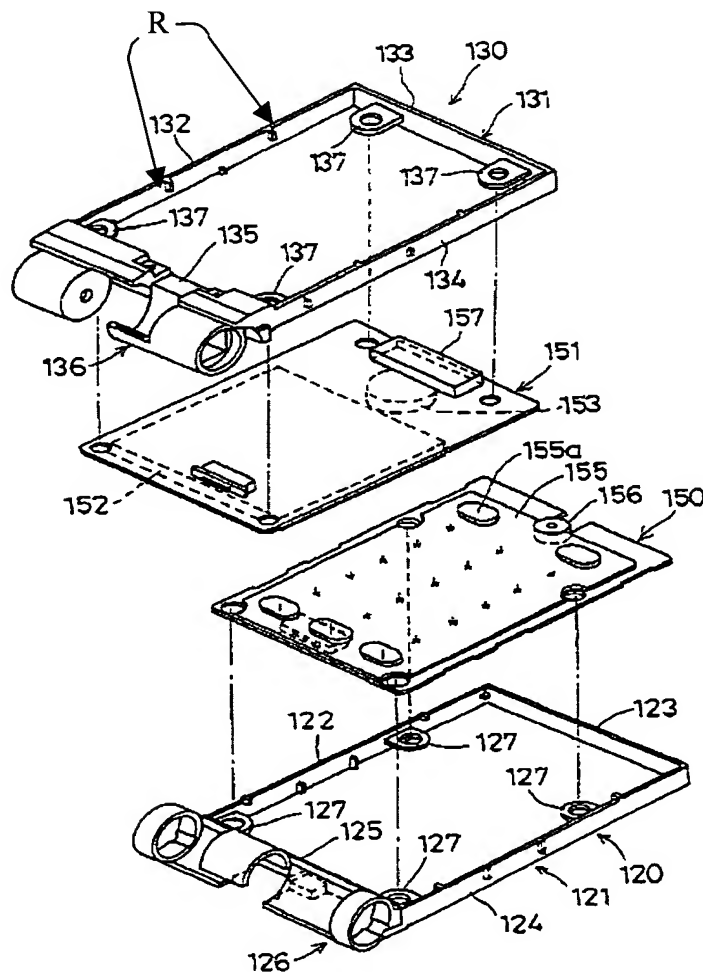
However, Higdon et al. disclose in Figure 4 a second casing body (element 104) providing a plurality of projections (elements 290 and 404) capable of restricting movement of the display in all directions, wherein the projections are formed integrally with the second casing body (Column 4, lines 49-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to form a plurality of projections integrally with the second casing body as taught by Higdon et al. in the display device taught by Takagi, since Higdon et al. teach that the projections helps to secure the display housing (Column 4, lines 49-57).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi (US 2001/0034242) in view of Kan-o (US 6525790).

Takagi discloses all of the limitations set forth in claim 1 and further disclose in Figure 6 that the display comprises a frame portion (element 130) with mechanisms (element R, as shown in figure below) formed integrally with the frame portion that pushes the display against an inner face of the second casing body.

FIG. 6



Takagi fails to disclose that the mechanisms (element R) which pushes the display have resiliency.

However, Kan-o discloses in Figure 1 a positioning portion (element 44), wherein is made to have resiliency for restricting movement of the display and to push the display against an inner face of the second casing (Column 9, lines 10-11). The resilient member is formed integrally with the frame portion (element 4, which comprises element 41 with projections element 44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a display device as taught by Takagi wherein the positioning portion has resiliency as taught by Kan-o, so that when the display is under external impact, the display is able to retain in the casing while still be fixed in the desired position.

Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi (US 2001/0034242) and Kan-o (US 6525790) in view of Lee (US 6665025).

Takagi and Kan-o disclose all of the limitations set forth in the previous claims, but fail to disclose a base comprising a reference potential terminal and a reference potential-receiving terminal for electrically contacting with the reference potential terminal.

However, Lee discloses in Figure 4 a base (element 200) comprising a reference potential terminal (element 212') and a reference potential-receiving terminal (element 270), which could also be the same as the reference potential terminal, in order to maintain a reference potential of the display (Column 4, lines 11-14).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a reference potential terminal and the reference potential-receiving terminal as taught by Lee in the display device taught by Takagi and Kan-o, since Lee teaches that by having a reference potential terminal and the reference potential-receiving terminal electromagnetic wave interference can be minimized, and therefore, enhance the product's reliability (Column 2, lines 28-30).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi (US 2001/0034242) and Kan-o (US 6525790) and Lee (US 6665025) in view of Sun (US 6226535).

Takagi, Kan-o and Lee disclose all of the limitations set forth in claim 10, but they do not disclose the resilient member with functionality as a reference potential-receiving terminal.

However, Sun discloses in Figure 4 a resilient member (element 20) that is capable of functioning as a reference potential-receiving terminal (Column 2, lines 59-62; Column 3, lines 49-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to form the resilient member and the reference potential-receiving terminal as taught by Sun in the display device taught by Takagi, Kan-o and Lee so that with the resilient member and the reference potential-receiving terminal being one piece, the number of parts can be reduced to improve and simplify the general structure while still maintaining the original functions (Abstract).

Response to Arguments

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Ying P. Chen whose telephone number is (571)272-8444. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on (571)272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Ying P Chen
Examiner
Art Unit 2871

WPC
8/22/05


ROBERT KIM
SUPERVISORY PATENT EXAMINER